IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 862 of 2003

Between:

Khaja Moinuddin S/o.Khaja Shamshuddin
R/o.H.No.19-3-677/A/70, Misrigunj, Hyderabad.

……Petitioner

AND

1 Govt.of A.P. Rep.by its Secretary, Medical & Health Dept.,
Secretariat, Hyderabad.
2 Director of Indian Medicine & Homeopathy
Near Patny "X" Roads, Secunderabad.
3 The Commissioner of Police Twin Cities,
Purana Haveli, Hyderabad.

…Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 862 OF 2003

ORDER:

The petitioner claiming to be the registered certificate holder in Ayurveda and Unani from Patna in Bihar State, has filed this Writ Petition, seeking Writ of Mandamus to declare that he has right to continue practice in Alternative System of Medicine in Unani and Ayurveda

on the strength of his registration from Bihar and Calcutta.

In the affidavit filed in support of the Writ Petition, it is stated, that after completion of SSC, he prosecuted studies in Indian System of Medicines and got registered to that effect in the states of Bihar and West Bengal; and, in that view of the matter, he is entitle to practice in Ayurveda and Unani.

Counter affidavit is filed on behalf of the respondents, stating, that the petitioner is not having any recognized qualification to practice in medicine. It is stated, that the area is covered by Indian Medicine Central Council Act, 1970, a central piece of Legislation, and, it will not empower any other authority from the State to grant recognition to those persons who do not possess recognized medical qualifications as mentioned in the Second Schedule to that Act.

Inasmuch as, admittedly, the petitioner is not having any recognized medical qualification as included in the Second Schedule of the Indian Medicine Central council Act, 1970, no relief can be granted as sought for, to declare that the petitioner is having right to continue practice in Unani and Ayurveda. In that view of the matter, I do not find any merit in the Writ Petition.

The Writ Petition is dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 23-11-2005.

Msnr.